

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JESSIE BARLEY,)	
)	
Plaintiff)	
)	Case No. 4:04-CV-00037
v.)	
)	<u>ORDER</u>
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	By: Jackson L. Kiser
)	Senior United States District Judge
)	
Defendant)	

The *Plaintiff's Motion for Attorney's Fees* [21] filed on February 23, 2006 by Jessie Barley ("Plaintiff") for an award of attorney's fees under the provisions of 42 U.S.C. § 406(b)(1) is now before this Court. The Plaintiff and the Commissioner of Social Security ("Commissioner") have both noted that the Plaintiff's attorney has been paid his requested fees by the Commissioner. Magistrate Judge B. Waugh Crigler filed a *Report and Recommendation* [25] with this Court on March 23, 2006 recommending that this Court dismiss the *Plaintiff's Motion for Attorney's Fees* as moot.

Accordingly, the *Report and Recommendation* of the Magistrate Judge is hereby **adopted**, and the *Plaintiff's Motion for Attorney's Fees* is hereby **dismissed** as moot.

The Clerk is directed to send a certified copy of this *Order* to all counsel of record and to Magistrate Judge B. Waugh Crigler.

ENTERED this 31st day of March, 2006.

s/Jackson L. Kiser
Senior United States District Judge